| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/537,689 | 09/20/2006 | Flemming Trap | P2650US00 | 8438 |

30671          7590          12/22/2010
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| EXAMINER |
|---|
| HERRERA, DIEGO D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 12/22/2010 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

<table>
<tr><td rowspan="2"><b>Office Action Summary</b></td><td>Application No.</td><td>Applicant(s)</td><td></td></tr>
<tr><td>10/537,689</td><td>TRAP, FLEMMING</td><td></td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>DIEGO HERRERA</td><td>2617</td><td></td></tr>
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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *28 September 2010*.

2a)☒ This action is **FINAL**.          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) *4, 6, 14,16 and 22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 9/28/2010 have been fully considered but they are not persuasive. In regards, the applicant's remarks wherein "a comparison of the first setting and the second setting," reads on the reference cited in Doss et al. wherein the reference teaches dynamic contact information is derived from the entity's calendar, preferences, and organizational directory, hence, the first setting. Furthermore, the second setting deals with the operational of the different system the user is related to such as the IM system and electronic status boards which are automatically updated, hence when these systems are updated the publish information is compared and updated with the most relevant information, hence selected without the user's input, and the more restrictive information is therefore determined and used, Hence the selected operating profile is updated and is dynamic. The user's input has only to do with the calendar settings and what type of response or action is required, after that, everything is automatic, from one application to the second application. The applicant specification states that the user does input information just as the reference states, the settings are compared just as the reference is and the more restrictive which is chosen is selected the adjustment of availability is then set, the same in the reference of Doss et al., the network or availability server and application server is updated and knows about the settings also taught in the reference of Doss.

Therefore, the reference of Doss et al. teaches and meets the limitations of the applicant's claims.

## *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-13, 15, 17-21, and 23-28 are rejected under 35 U.S.C. 102 (e)

as being anticipated by Doss et al. (US 20030046296 A1).

**Regarding claim 1**. Doss et al. discloses a terminal (fig. 1, ¶: 48, Doss et al. teaches

computing device being able to connect to server using a wired connection, or a

wireless connection, hence, a terminal), comprising:

A processor (fig. 1, Doss et al. teaches processor element 12); and

at least one memory including computer program code (¶: 41-42, Doss et al. teaches at

least one memory which shows communication capability),

The at least one memory and the computer program code configured to, with the

processor, cause the <u>terminal</u> to perform at least the following,

<u>detect</u> commencement of an activity or running of an application associated with a first

setting (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant

messaging and electronic status boards, thus, when an entity's status changes, such as

from being in the office and free to being in a meeting, the dynamic contact information

will be automatically updated, hence, means responsive to the commencement of an

activity and adjusting an availability setting),

retrieve a second setting associated with a selected operating profile (¶: 14-17, Doss et

al. teaches running a dynamic contact information to instant messaging and electronic

status boards, thus, when an entity's status changes, such as from being in the office

and free to being in a meeting, the dynamic contact information will be automatically

updated, hence, means responsive to the commencement of an activity and adjusting

an availability setting);

select, without input from a user, a more restrictive setting based on a comparison of

the first setting and the second setting (¶: 8,14-22, 53, Doss et al. teaches selection is

made by user of going form status setting to another, one of them been more

restrictive);

adjust an availability setting of the terminal to the more restrictive setting; (fig. 1-5, ¶: 8,

14-17, 20-22; Doss et al. teaches user definable settings associated with availability

settings),

and

report of the adjusted availability setting to or via a network (fig. 2, ¶: 43-48, Doss et al.

teaches wireless network that is applied to adjust the availability to a network).

**Regarding claim 11**. Doss et al. discloses a method comprising:

detecting commencement of an activity or the running of an application associated with

a first setting (¶ 55-59, Doss et al. teaches detecting times and running applications due

to settings set by user automatically);

retrieving a second setting associated with a selected operating profile (¶: 14-17, Doss

et al. teaches running a dynamic contact information to instant messaging and

electronic status boards, thus, when an entity's status changes, such as from being in

the office and free to being in a meeting, the dynamic contact information will be

automatically updated, hence, means responsive to the commencement of an activity

and adjusting an availability setting);

selecting, without input from a user, a more restrictive setting based on a comparison of

the first setting and the second setting (¶: 8, 14-22, 53, Doss et al. teaches selection is

made by user of going form status setting to another, one of them been more restrictive,

however, this is a user choice);

adjusting an availability setting (¶: 14-17, Doss et al. teaches running a dynamic contact

information to instant messaging and electronic status boards, thus, when an entity's

status changes, such as from being in the office and free to being in a meeting, the

dynamic contact information will be automatically updated, hence, means responsive to

the commencement of an activity and adjusting an availability setting) of a mobile

communication terminal to the more restrictive setting (fig. 1-5, ¶:14-17, 20-22; Doss et

al. teaches user definable settings associated with availability settings); and

causing, at least in part, reporting of the adjusted availability setting to or via a network

(fig. 2, ¶: 43-48, Doss et al. teaches wireless network that is applied to adjust the

availability to a network).

**Regarding claim 21**. Doss et al. discloses an apparatus comprising:

At least one processor; and

at least one memory including computer program code (¶: 41-42, Doss et al. teaches at

least one memory which shows communication capability),

the at least one memory and the computer program code configured to, with the <u>at least</u>

<u>one</u> processor (fig. 1, Doss et al. teaches processor element 12),

cause the apparatus to perform at least the following,

detect commencement of an activity or running of an application associated with a first

setting (¶ 55-59, Doss et al. teaches detecting times and running applications due to

settings set by user automatically);

retrieve a second setting associated with a selected operating profile (¶: 14-17, Doss et

al. teaches running a dynamic contact information to instant messaging and electronic

status boards, thus, when an entity's status changes, such as from being in the office

and free to being in a meeting, the dynamic contact information will be automatically

updated, hence, means responsive to the commencement of an activity and adjusting

an availability setting);

select, <u>without input from a user,</u> a more restrictive setting based on a comparison of

the first setting and the second setting (¶: 8, 14-22, 53, Doss et al. teaches selection is

made by user of going form status setting to another, one of them been more restrictive,

however, this is a user choice);

adjust an availability setting of a communication terminal to the more restrictive setting

(¶: 14-17, Doss et al. teaches running a dynamic contact information to instant

messaging and electronic status boards, thus, when an entity's status changes, such as

from being in the office and free to being in a meeting, the dynamic contact information

will be automatically updated, hence, means responsive to the commencement of an

activity and adjusting an availability setting) (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches

user definable settings associated with availability settings); and

report the adjusted availability setting to or via a network (fig. 2, ¶: 43-48, Doss et al.

teaches wireless network that is applied to adjust the availability to a network).

**Consider claim 2.** A terminal as claimed in claim 1, in which the adjusting means is

arranged to adjust the availability setting depending on the identity of the application or

the activity (¶: 14-17, Doss et al. teaches running a dynamic contact information to

instant messaging and electronic status boards, thus, when an entity's status changes,

such as from being in the office and free to being in a meeting, the dynamic contact

information will be automatically updated, hence, means responsive to the

commencement of an activity and adjusting an availability setting).

**Consider claim 3.** A terminal as claimed in claim 2, in which the first setting is user

definable (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant

messaging and electronic status boards, thus, when an entity's status changes, such as

from being in the office and free to being in a meeting, the dynamic contact information

will be automatically updated, hence, means responsive to the commencement of an

activity and adjusting an availability setting).

**Consider claim 5.** A terminal as claimed in claimed 4, in which the second setting is

user definable (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches user definable settings

associated with availability settings).

**Consider claim 7.** A terminal as claimed in claim 1, wherein the adjustment of the availability setting is responsive to the ending of the activity or the ceasing of the running of the application to restore the availability setting to its previous setting (fig. 5; ¶: 55-60, Doss et al. teaches making determination whether availability of application will revert to another setting).

**Consider claim 8.** A terminal as claimed in claim 1, wherein the <u>terminal</u> is further caused, at least in part, to allow a user to define a different availability setting for a predetermined network user or a group of network users to a setting associated with other users (fig. 5, 12; ¶: 14-18, 55-63, Doss et al. teaches different settings that are define by user to update status for buddy lists).

**Consider claim 9.** A terminal as claimed in claim 1, wherein the <u>terminal</u> is further caused, at least in part, to queue one or more communications received in contravention of an availability setting without revealing the one or more communications to the user (¶: 21, 51-54, Doss et al. teaches displaying information of people, groups, and their statuses, storage means for accessing them is available).

**Consider claim 10.** A terminal as claimed in claim 1, wherein the <u>terminal</u> is further caused, at least in part, to, in response to the receipt of a communication in contravention of an availability setting for automatically sending a reply (¶: 21, 51-54, Doss et al. teaches displaying information of people, groups, and their statuses, storage means for accessing them is available).

**Consider claim 12.** <u>A method </u>as claimed in claim 11, in which the adjusting step includes adjusting the availability setting depending on the identity of the application or

the activity (¶: 14-17, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting).

**Consider claim 13.** A method as claimed in claim 12, in which the first setting is user definable (¶: 14-21, Doss et al. teaches running a dynamic contact information to instant messaging and electronic status boards, thus, when an entity's status changes, such as from being in the office and free to being in a meeting, the dynamic contact information will be automatically updated, hence, means responsive to the commencement of an activity and adjusting an availability setting).

**Consider claim 15.** A method as claimed in claim 14, in which the second setting is user definable (fig. 1-5, ¶:14-17, 20-22; Doss et al. teaches user definable settings associated with availability settings).

**Consider claim 17.** A method as claimed in claim 11, comprising detecting the ending of the activity or the ceasing of the running of the application, and in response to a detection restoring the availability setting to its previous setting (fig. 5; ¶: 55-60, Doss et al. teaches making determination whether availability of application will revert to another setting).

**Consider claim 18.** A method as claimed in claim 11, <u>further</u> comprising allowing a user to define a different availability setting for a predetermined network user or a group of network users to a setting associated with other users (fig. 5, 12; ¶: 14-18, 55-63,

Doss et al. teaches different settings that are define by user to update status for buddy

lists).

**Consider claim 19.**  A method claimed in claim 11, <u>further</u> comprising queuing one or

more communications received in contravention of an availability setting without

revealing the one or more communications to the user (¶: 21, 51-54, Doss et al. teaches

displaying information of people, groups, and their statuses, storage means for

accessing them is available).

**Consider claim 20.** A method as claimed in claim 11, <u>further</u> comprising automatically

sending in response to the receipt of a communication in contravention of an availability

setting a reply communication (¶: 21, 51-54, Doss et al. teaches displaying information

of people, groups, and their statuses, storage means for accessing them is available).

**Consider claim 23.** The apparatus as claimed in claim 21, wherein the apparatus is

further caused, at least in part, to allow a user to define a different availability setting for

a predetermined network user or a group of network users to a setting associated with

other users (fig. 5, 12; ¶: 14-18, 55-63, Doss et al. teaches different settings that are

define by user to update status for buddy lists).

**Consider claim 24**.  The apparatus as claimed in claim 21, wherein the availability

setting is adjusted depending on the identity of the application or the activity (¶: 8, 53,

Doss et al. teaches selection is made by user of going form status setting to another,

one of them been more restrictive, however, this is a user choice).

**Consider claim 25.** The apparatus as claimed in claim 21, wherein the first setting and

the second setting are user definable (¶: 8, 53, Doss et al. teaches selection is made by

user of going form status setting to another, one of them been more restrictive, however, this is a user choice which can be defined).

**Consider claim 26.** The apparatus as claimed in claim 21, wherein the adjustment of the availability setting is responsive to the ending of the activity or the ceasing of the running of the application to restore the availability setting to its previous setting (¶: 21, 53, Doss et al. teaches timed events with server for updates).

**Consider claim 27.** The apparatus as claimed in claim 21, wherein the apparatus is further caused, at least in part, to allow a user to define a different availability setting for a predetermined network user or a group of network users to a setting associated with other users (¶: 14-21, Doss et al. teaches groups and settings for individuals in groups).

**Consider claim 28.** The apparatus as claimed in claim 21, wherein the apparatus is further caused, at least in part, to, in response to the receipt of a communication in contravention of an availability setting, to automatically send a reply communication (¶: 92, Doss et al. teaches communicate of alternative information when availability setting is in contravention with outside communication message).

### *Conclusion*

**THIS ACTION IS MADE FINAL.**  Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DIEGO HERRERA whose telephone number is

(571)272-0907.  The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571) 272-7922.  The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego  Herrera/
Examiner, Art Unit 2617

/LESTER  KINCAID/
Supervisory Patent Examiner, Art Unit 2617